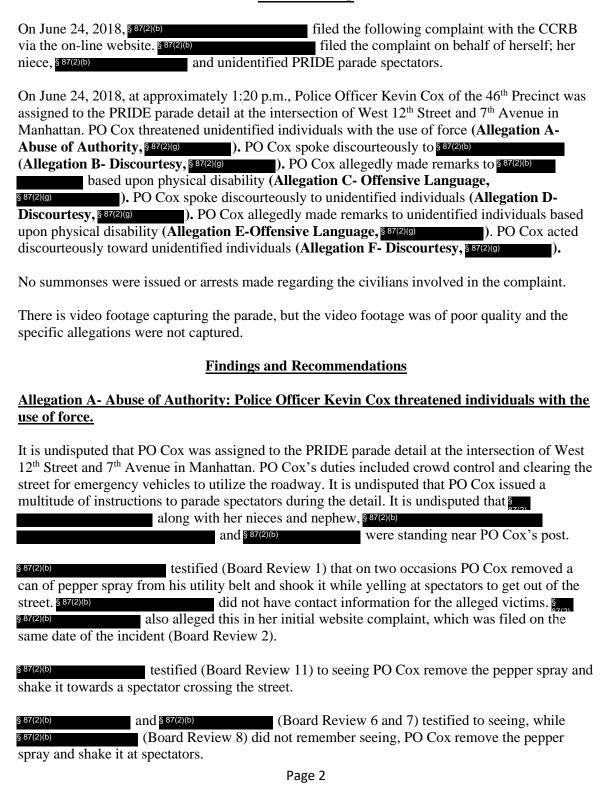
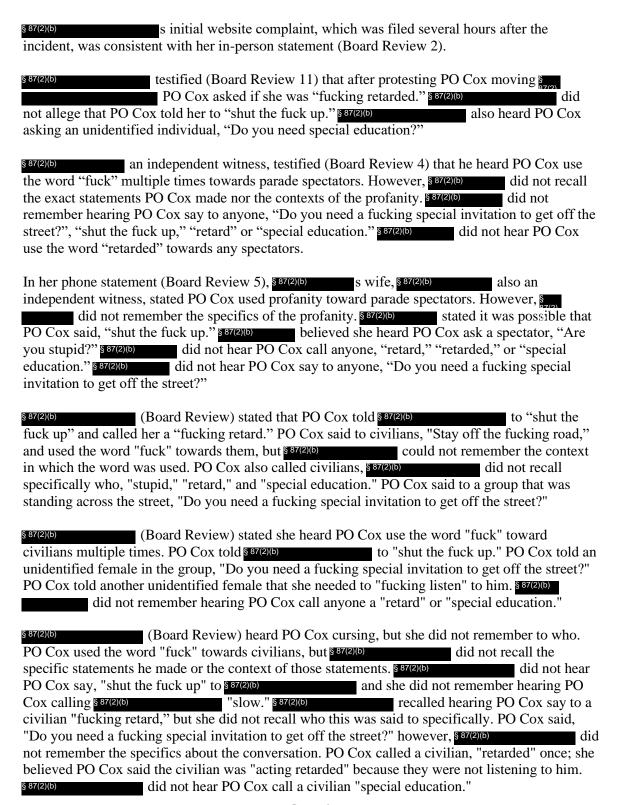
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Fo	rce	\checkmark	Discourt.	U.S.
Sara Griffin		Squad #4	201805031	☑ Al	ouse	$\overline{\checkmark}$	O.L.	☐ Injury
Incident Date(s)		Location of Incident:	•	Prec	inct:	18	Mo. SOL	EO SOL
Sunday, 06/24/2018 1:20 PM		West 12th Street and 7th Avenue		(06	12	/24/2019	12/24/2019
Date/Time CV Reported		CV Reported At:	How CV Reported:	Da	te/Time	Rece	ived at CCI	RB
Sun, 06/24/2018 9:13 PM		CCRB On-line website		Su	n, 06/24	/2018	9:13 PM	
Complainant/Victim	Туре	Home Addro	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s) 1. POM Kevin Cox	Shield 07108	TaxID 938279	Command 046 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. POM Anthony Duro	14044	950362	046 PCT					
Officer(s)	Allegatio	n			Inve	stiga	tor Recon	nmendation
A.POM Kevin Cox	Abuse: Potential Abuse of	olice Officer Kevin Conference	x threatened individu	als wit	h			
B.POM Kevin Cox	Discourte to § 87(2)(b)	esy: Police Officer Kevi	in Cox spoke discour	teously	7			
C.POM Kevin Cox	Off. Lang § 87(2)(b) § 87(2)(b)	bused upon the physical disability of						
D.POM Kevin Cox	Discourte to individ	esy: Police Officer Kevi luals.	in Cox spoke discour	teously	7			
E.POM Kevin Cox		guage: Police Officer K Is based upon the physi						
F.POM Kevin Cox	Discourtesy: Police Officer Kevin Cox acted discourteously toward individuals.							

Case Summary



(Board Review 4) and § 87(2)(b) (Board Review 5) did not see PO Cox remove pepper spray and shake it towards spectators.
PO Cox testified (Board Review 3) and stated that it was "possible" that he removed his pepper spray if civilians were noncompliant, however, he did not recall any specific civilians being noncompliant with his commands. PO Cox denied shaking the can of pepper spray at any civilians.
PO Duro testified (Board Review 9) and did not see PO Cox remove his pepper spray and shake it towards any spectators.
Patrol Guide Procedure 221-07 (Board Review 12) states that the proper use of Oleoresin Capsicum (O.C.) pepper spray is to gain or maintain control of persons who are actively resisting arrest or lawful custody or exhibiting active aggression, or to prevent individuals from physically injuring themselves, members of service, or other persons.
§ 87(2)(g)
Allegation B- Discourtesy: Police Officer Kevin Cox spoke discourteously to \$87(2)(5)
Allegation C- Offensive Language: Police Officer Kevin Cox made remarks to safe(2)(b) based upon the physical disability of safe(2)(b)
Allegation D- Discourtesy: Police Officer Kevin Cox spoke discourteously to individuals. Allegation E- Offensive Language: Police Officer Kevin Cox made remarks to individuals
based upon the physical disability of individuals.
testified (Board Review 1) that PO Cox used profanity, including the word "fuck," and offensive language toward multiple individuals throughout the parade. During one occasion, PO Cox yelled and cursed at an unidentified Asian male who was standing in the crosswalk taking a photograph; however, \$87(2)(b) did not remember specifically what PO Cox said. During another occasion, when \$87(2)(b) questioned PO Cox about having placed his hands on \$87(2)(b) to move her from the street, PO Cox told \$87(2)(b) "Shut the fuck up." During another occasion, PO Cox approached one male in a group and yelled, "Do you need a fucking special invitation to get off the street?" and called the male either "special education" or "retard." \$87(2)(b) did not know the names or contact information of the unidentified individuals.
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PO Cox testified (Board Review 3) and denied using discourteous language, including "fuck", towards any of the parade spectators. PO Cox denied the specific discourteous language allegations. PO Cox stated that he had to "yell forcibly" at civilians during the parade while issuing instructions, but stated that he did not remember any specific civilians not complying with his command during the parade. PO Cox denied making any comment based upon the physical disability of any spectator. PO Cox denied the specific offensive language allegations.

PO Duro testified (Board Review 9) that he was approximately 20 feet away from PO Cox during the parade. PO Duro did not remember hearing PO Cox use any discourteous or offensive language towards parade spectators.

<u>Patrol Guide Procedure 203-09</u> (Board Review 10) states that officers must be courteous and respectful to the public.

§ 87(2)(g)
§ 87(2)(g)
Allegation F- Discourtesy: Police Officer Kevin Cox acted discourteously toward
<u>individuals.</u>
It is undisputed that PO Cox had a water bottle is in possession during the course of the parade.
testified (Board Review 1) to observing PO Cox throw water from his
water bottle onto a spectator who was standing in the street. §87(2)(b) also
alleged this in her initial website complaint, which was filed on the same day of the incident
(Board Review 2). \$87(2)(b) did not have the contact information for the alleged
victim.
(Board Review 11) did not see PO Cox throw water onto spectator, but did
see PO Cox in possession of a water bottle.
sar(2)(b) and sar(2)(b) both testified (Board Review 4 and 5) to seeing PO Cox throw
water from his water bottle onto spectators approximately two times. The spectators were
attempting to cross the street.

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and sar(2)(b) (Board Review 6, 7, and 8) all testified to seeing PO Cox throw water onto spectators in the street multiple times.
PO Cox testified (Board Review 3) and denied throwing water from his water bottle onto spectators.
PO Duro testified (Board Review 9) to seeing PO Cox in possession of a water bottle throughout the parade, but did not see PO Cox throw water onto any spectators.
<u>Patrol Guide Procedure 203-09</u> (Board Review 10) states that officers must be courteous and respectful to the public.
§ 87(2)(g)
Civilian and Officer CCRB Histories
 This is the first CCRB complaint to which \$87(2)(b) has been a party (Board Review 13). This is the first CCRB complaint to which \$87(2)(b) has been a party (Board Review 14). PO Cox has been a member of service for 13 years and has been a subject in 12 CCRB complaints and 23 allegations, none of which were substantiated. \$87(2)(9) (Board Review 15).
Mediation, Civil and Criminal Histories
 \$87(2)(5) declined to mediate this complaint. The New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 18). According to the Office of Court Administration (OCA), \$87(2)(5) has no history of convictions in New York City (Board Review 16). According to the Office of Court Administration (OCA), \$87(2)(5) has no history of convictions in New York City (Board Review 17).
Squad No.:
Investigator:
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CCRB Case # 201805031

CCRB CTS – Confidential

	Signature	Print Title & Name	Date
Squad Leader:			
1	Signature	Print Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date